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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/956,002	09/20/2001	Steven A. Wright	BS00-215	9864
28970	7590	06/28/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN LLP 1650 TYSONS BOULEVARD MCLEAN, VA 22102			PARK, JUNG H	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/956,002

Applicant(s)

WRIGHT, STEVEN A.

Examiner

Jung Park

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-22, 31-36, and 41-42 is/are allowed.
- 6) ☒ Claim(s) 1-16, 23-30, 37-40, and 43-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-48 are pending for the examination.

Claim Objections

2. Claim 2 is objected to because of the following informalities:

In claim 2, the “claim 0” should be changed to -- claim 1 --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C.

4. Claims 1, 2 and 37 are rejected under 35 U.S.C 102(e) as being anticipated by Goguen et al. (U.S. 6,665,273, “Goguen”).

Regarding claim 1, Goguen teaches a system for policy-based management of a label switching network, the system comprising:

a policy-based network administration system (*network management system 520* figure 5), the policy-based network administration system including a plurality of policies (*one or more algorithms to communicate*, col. 7, lines 2); and

the label switching network (500 figure 5; 700 figure 6), that is coupled to the policy-based network administration system.

Regarding claim 2, Goguen teaches that the plurality of policies include a plurality of network operation policies (*monitors and controls the network*, col. 6-7, line 67).

Regarding claim 37, it is claim corresponding to claim 1 and is therefore rejected for the similar reasons set forth in the rejection of claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5, 12, 15, and 16 are rejected under 35 U.S.C 103(a) as being unpatentable over Goguen in view of Banginwar (U.S. 6,611,863).

Regarding claims 3, 4 and 5, Goguen is silent on the plurality of network operation policies including a virtual private network policy, a voice traffic policy,

and. However, Banginwar shows the policy-based management network (100 Figure 1) and teaches that examples of control policies include a policy for all packets/traffics (including voice traffic) (col. 2, line 23), VPN, QoS, and IP security policies (col. 2, lines 28-33). Hence, it would have been obvious for ordinary skill in the art at the time of invention to combine those policies with Goguen because one would be motivated applying those policies in order to meet the requirements of user's applications.

Regarding claim 12, Goguen and Banginwar teach about all the elements in this claim, but they are silent on a central office, the central office including a trunk gateway. However, a network administrator can couple their label switch network with the central office including a trunk gateway. The central office is a local telephone company's switching center, which provides a legacy service through LE (local exchange). The connection of the central office with the label switch network is one to design choice. Hence, it would have been obvious to combine this design choice with Goguen's system since one would be motivated to connect the trunk gateway with one of the edge router in the label switch network in order to provide voice and/or data traffics through the trunk gateway.

Regarding claims 15 and 16, Goguen is silent on the following, but Banginwar teaches that the network administration system includes one or more of traffic management information (130 figure 1) and device provisioning information (112, 114 figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the feature in Banginwar with Goguen because one would be motivated to include traffic

management information, which is one of the plurality of policies, provisioned on the device such as policy server.

7. Claims 6-11, 23-24, 28-30, 38, 39, and 43-48 are rejected under 35 U.S.C 103(a) as being unpatentable over Goguen in view of Hayes (Jeff Hayes, "*Policy-based Authentication and Authorization*", Alcatel IND, April 2000).

Regarding claim 6, Banginwar does not show the following elements in his figure, but Hayes explicitly shows the policy-based management system including a policy decision point; and the label switch network including a policy enforcement point, the policy enforcement point being coupled to the policy decision point (the Figure for "Policy-Management Architecture", page 9).

Regarding claim 7, Hayes teaches that the policy-based management system includes a policy repository, the policy repository coupled to the policy decision point (the Figure in page 9).

Regarding claim 8, Hayes teaches that the policy-based management system includes a policy management console, the policy management console coupled to one or more of the policy decision point and the policy repository (the Figure in page 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the features in Hayes with Goguen because one would be motivated to combine this policy-management architecture with Goguen's system since one would be motivated to employ this policy-based

management system in the label switch network in order to monitor and control the network.

Regarding claims 9, 10, and 11 Goguen is silent on if the policy enforcement point is a label switch router although he teaches that the network management system is coupled to a label switch router. Hayes shows the policy enforcement point coupled to a router (the Figure in pg. 10), which can be a label switch router. The edge label switch is an access point of the label switch network located in one of the edges of the networks. A LSP (Label Switch Path) is a label switch tunnel generated by using signaling methods between two routers.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the feature in Hayes with Goguen because one would be motivated to include an edge router for setting up LSPs through the label switch network.

Regarding claim 23, Goguen is silent on the method of policy-based control of a label switch network. However, Hayes teaches the method comprising:

storing a policy to control operation of at least a portion of the label switching network (step 1 in the Figure pg. 10);

retrieving the policy (step 4 in the same Figure) in response to a control input (*a rule*, para. 3 in pg. 10);

sending the policy to the label switching network (step 5 in the Figure); and

operating the label switching network based at least in part on the policy (step 6 in the Figure).

Regarding claim 24, Goguen teaches that the plurality of policies include a plurality of network operation policies (*monitors and controls the network*, col. 6-7, line 67).

Regarding claims 28-30, they are claims corresponding to claim 23 and are therefore rejected for the similar reasons set forth in the rejection of claim 23.

Regarding claims 38 and 39, they are claims corresponding to claim 7 and are therefore rejected for the similar reasons set forth in the rejection of claim 7.

Regarding claims 43-48, they are claims corresponding to claim 23 and are therefore rejected for the similar reasons set forth in the rejection of claim 23.

8. Claims 13 and 14 are rejected under 35 U.S.C 103(a) as being unpatentable over Goguen in view of Banginwar and further in view of Elliott et al. (U.S. 6,614,781, "Elliott").

Regarding claim 13, Goguen and Banginwar fail to explicitly disclose that the gateway is one of a line gateway, a trunk gateway, and a service gateway. However, Elliott teaches about gateway site (110 figure 1) and it can be one of the gateways mentioned in the above. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use one of the gateways since one would be motivated to utilize one of the gateways in order to send voice and data traffic through the gateway. Exemplary media gateway is trunking gateway. This media gateway acts as a translation unit between disparate telecommunications network such as PSTN (public switched telephone network), next generation radio networks or PBX.

Regarding claim 14, Goguen and Banginwar fails to explicitly disclose that the central office includes class five central office equipment. The name, "Class 5" is used for the type of switch used in a local telephone end office. It has been widely employed in the circuit switched networks, so it is a matter of design choice depending on the network designer.

9. Claims 25-27 and 40 is rejected under 35 U.S.C 103(a) as being unpatentable over Goguen in view of Hayes and further in view of Banginwar.

Regarding claims 25-27 and 40, Goguen and Hayes are silent on the following, but Banginwar teaches that the means for policy-based management of the label switching network includes one or more of a voice traffic policy (col. 2, line 23), a VPN policy, and a QOS policy (col. 2, lines 28-33). Hence, it would have been obvious for ordinary skill in the art at the time of invention to combine those policies with Goguen's system because one would be motivated applying those policies in order to meet the requirements of user's applications.

Allowable Subject Matter

10. Claims 17-22 are allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest the call control complex, which is coupled to the network administration system and the label switch network, to send voice service traffic data to the administration system and this system is to send voice service label switched path to label

switching network, and the label switching system further comprising SS7/AIN network.

11. Claims 31-36 and 41-42 are allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest the method of operating label switching network with policy-based management. Banginwar generally teaches about QoS, which can be applied to label switch networks, but Banginwar does not explicitly teach the method described in the claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - U.S. Patent (6,341,127) to Katsube et al. show about a router device for controlling label switching path set up.
 - U.S. Patent (6,856,676) to Pirot et al. show a system and method of controlling and managing voice and data services in a network.
 - U.S. Pub. No. (2002/0,019,879) to Jasen et al. show a system and method for prioritizing network services.
 - RFC draft (draft-strassner-policy-terms-01.txt) to Strassner et al. describes network policy and service.

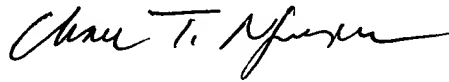
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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:15-4:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jung Park
Patent Examiner
June 22, 2005



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